



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Malibu

Plaintiff,

- against -

JC Penney Corp.

Defendant.

Sweet, D.J.,

ORDER

07 Civ. 2670 (RWS)

The parties to this action, by their attorneys, having appeared before this court at a pretrial conference on 10-3-07, pursuant to Rule 16 of the Federal Rules of Civil Procedure:

Pursuant to _____:

IT IS HEREBY ORDERED that:

1. All motions are to be made returnable at 12:00 noon on Wednesday and in compliance with the rules of this Court.
2. The parties shall complete all discovery and inspection and file all motions, with the exception of motions in limine, by 1-9-08, after which no discovery will be conducted and no motion will be entertained without a showing of special circumstances. Plaintiff[s] shall submit a draft of the pretrial order to the defendant[s] on or before the completion of discovery.
3. The parties shall, in order to prevent delay or interruption of the trial, have sufficient witnesses present at all times during the trial and shall perpetuate before trial the direct and cross-examination testimony of any essential witness.
4. The parties shall submit to the court trial briefs, a joint proposed pretrial order, and, if applicable, motions in limine and proposed jury charges and voir dire requests in accordance with the annexed form and instructions by 1-30-08. A final pretrial conference will be held at 4:30 pm on that date and the action shall be added to the trial calendar published in the New York Law Journal. Prior to submission of the final pretrial order, the parties are directed to exchange offers of settlement. The parties are directed to be ready for trial the day after the pretrial order is due and, upon receipt of twenty-four hour telephone notice, on any day thereafter.
5. Adjournments of the dates set forth above will not be granted except for good cause and upon written application made as soon as the grounds for such application are known.
6. Failure to comply with any of the provisions of this order will result in dismissal of the action, entry of a default judgment, or other appropriate sanction.

It is so ordered.

New York, NY

Oct 3, 2007

ROBERT W. SWEET
U.S.D.J.